

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NHC LLC, a Florida limited liability
company,

Plaintiff,

v.

CENTAUR CONSTRUCTION COMPANY
INC., an Illinois corporation, SPIRO
TSAPARAS, and PETER ALEXOPOULOS,

Defendants.

No. 19-cv-06332

Honorable Matthew F. Kennelly

PLAINTIFF’S MOTION FOR LEAVE TO FILE UNDER SEAL

Plaintiff, NHC LLC (“NHC”), by its undersigned attorneys, pursuant to Local Rule 26.2, hereby requests leave to file under seal the transcript of the Remote Deposition of Corri Lynn McFadden dated November 27, 2023 (“McFadden Transcript”) and bank account statements produced by Ms. McFadden. In support of this motion, NHC states as follows:

1. On July 22, 2020, the Court entered an Agreed Confidentiality Order governing the production of confidential information in this matter. (Dkt. No. 80.)

2. On March 15, 2023, the Court entered an amended judgment (“Judgment”) against defendants Centaur Construction Company Inc. (“Centaur”), Spiro Tsaparas, and Peter Alexopoulos jointly and severally in the total amount of \$22,272,124.34 for fraud, plus punitive damages against each of Defendants individually.¹ (Dkt. No. 228.)

3. On May 5, 2023, NHC served a Third Party Citation to Discover Assets on Ms. McFadden. (Dkt. No. 244.)

¹ The Judgment also held Centaur and Mr. Tsaparas liable for breach of contract in the amount of \$22,122,124.34. (*Id.*)

4. Contemporaneously with the filing of this motion, NHC is filing a Motion to Extend Citation Liens Regarding Defendants and Certain Third-Party Respondents (“Motion to Extend”). In its Motion to Extend, NHC cited as exhibits the McFadden Transcript and heavily redacted bank account statements produced by Ms. McFadden as evidence demonstrating that (1) Ms. McFadden possesses at least one additional document responsive to the Citation issued to her that she did not previously produce and (2) the redactions on Ms. McFadden’s bank account statements concealed relevant information responsive and relevant to her Citation.

5. Under the Agreed Confidentiality Order, a party has 14 days from the delivery of a deposition transcript to designate portions of the transcript as Confidential. (Dkt. No. 80 at 3.) Because the McFadden Transcript was delivered on or about December 1, 2023, this 14-day deadline has not yet run.

6. In addition, despite the heavy redactions in Ms. McFadden’s produced copies of certain of her bank account statements, Ms. McFadden’s counsel designated the entirety of such account statements as “Confidential” pursuant to the Agreed Confidentiality Order.

7. Accordingly, because the deadline to designate portions of the McFadden Transcript as Confidential has not yet run, NHC files this motion seeking leave to file the McFadden Transcript under seal. Additionally, because Ms. McFadden has designated her personal bank account statements as Confidential, NHC seeks to file such documents under seal.

8. NHC will deliver a courtesy copy of the Motion to Extend, including the McFadden Transcript and the produced copies of Ms. McFadden’s bank account statements, to Judge Kennelly so that the Court can review these documents in consideration of this motion.

9. NHC is publicly filing its Motion to Extend with slip sheets as exhibits for these two documents in order to minimize the amount of NHC’s filing sought to be filed under seal.

10. The Court's Standing Order provides that "[i]n any case in which Judge Kennelly permits filing under seal, an unredacted version of the entire filing, including all exhibits, must be filed under seal, and a redacted version that omits the sealed portions must be filed in the public record." Accordingly, NHC seeks leave to file its Motion to Extend, with all exhibits, under seal pursuant to the Court's Standing Order.

WHEREFORE, for the above and foregoing reasons, NHC respectfully requests that this Court grant (i) NHC leave to file under seal its Motion to Extend, with the McFadden Transcript and the produced copies of Ms. McFadden's bank account statements attached thereto; and (ii) NHC such other and further relief as the Court deems just and appropriate.

Respectfully submitted,

NHC LLC, Plaintiff

By: /s/ Gini S. Marziani.
One of the attorneys for Plaintiff

Gini S. Marziani (3127421)
Davis McGrath LLC
125 S. Wacker Drive
Chicago, Illinois 60606
(312) 332-3033
gsmarziani@davismcgrath.com

CERTIFICATE OF SERVICE

I hereby certify that, on December 13, 2023, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the Court's CM/ECF system and thereby served electronically by the CM/ECF system on all counsel of record.

/s/ Gini S. Marziani

An Attorney for NHC LLC